

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR233</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>GILBERTO VERDUGO GUTIERREZ,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion to quash a portion of a subpoena duces tecum served on the Nebraska State Patrol (NSP) (Filing No. 33). NSP seeks to quash that portion of the subpoena which seeks records of the NSP regarding racial and/or drug courier profile data and statistics for the period of January 1, 2000 through December 31, 2005. NSP argues the traffic stop in issue in this case was not performed by the NSP and whatever data or statistics in possession of the NSP is irrelevant to this case. NSP has also argued the defendant, Gilberto Verdugo Gutierrez (Gutierrez), who issued the subpoena in question has not made a preliminary showing necessary to discovery of such items. NSP has agreed to produce the remainder of the items in the subpoena duces tecum. Gutierrez has not responded to the motion to quash.

The court finds NSP's position to be well taken. The motion to quash will be granted as to paragraph 4 of the subpoenas duces tecum directed to NSP. However, NSP shall produce the remainder of the items requested in the subpoena duces tecum.

**IT IS ORDERED:**

1. NSP's motion to quash that portion of the subpoena duces tecum as requesting records or documents set forth in paragraph 4 of the subpoena attachment (Filing No. 33) is granted.
2. NSP shall produce the remaining items listed in the subpoena attachment, to the extent such documents or records exist, prior to the suppression hearing at a time and place agreed to by counsel for the government, Gutierrez, and the NSP.

DATED this 14th day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge